



Crime (International Co-operation) Act 2003

2003 CHAPTER 32

PART 1

MUTUAL ASSISTANCE IN CRIMINAL MATTERS

CHAPTER 4

INFORMATION ABOUT BANKING TRANSACTIONS

Requests for information about banking transactions in England and Wales and Northern Ireland for use abroad

32 Customer information

- (1) This section applies where the Secretary of State receives a request from an authority mentioned in subsection (2) for customer information to be obtained in relation to a person who appears to him to be subject to an investigation in a participating country into serious criminal conduct.
- (2) The authority referred to in subsection (1) is the authority in that country which appears to the Secretary of State to have the function of making requests of the kind to which this section applies.
- (3) The Secretary of State may—
 - (a) direct a senior police officer to apply, or arrange for a constable to apply, for a customer information order,
 - (b) direct a senior customs officer to apply, or arrange for a customs officer to apply, for such an order.
- (4) A customer information order is an order made by a judge that a financial institution specified in the application for the order must, on being required to do so by notice in

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writing given by the applicant for the order, provide any such customer information as it has relating to the person specified in the application.

- (5) A financial institution which is required to provide information under a customer information order must provide the information to the applicant for the order in such manner, and at or by such time, as the applicant requires.
- (6) Section 364 of the Proceeds of Crime Act 2002 (c. 29) (meaning of customer information), except subsections (2)(f) and (3)(i), has effect for the purposes of this section as if this section were included in Chapter 2 of Part 8 of that Act.
- (7) A customer information order has effect in spite of any restriction on the disclosure of information (however imposed).
- (8) Customer information obtained in pursuance of a customer information order is to be given to the Secretary of State and sent by him to the authority which made the request.

Commencement Information

I1 S. 32 in force at 1.11.2006 by S.I. 2006/2811, art. 2

33 Making, varying or discharging customer information orders

- (1) A judge may make a customer information order, on an application made to him pursuant to a direction under section 32(3), if he is satisfied that—
 - (a) the person specified in the application is subject to an investigation in the country in question,
 - (b) the investigation concerns conduct which is serious criminal conduct,
 - (c) the conduct constitutes an offence in England and Wales or (as the case may be) Northern Ireland, or would do were it to occur there, and
 - (d) the order is sought for the purposes of the investigation.
- (2) The application may be made ex parte to a judge in chambers.
- (3) The application may specify—
 - (a) all financial institutions,
 - (b) a particular description, or particular descriptions, of financial institutions, or
 - (c) a particular financial institution or particular financial institutions.
- (4) The court may discharge or vary a customer information order on an application made by—
 - (a) the person who applied for the order,
 - (b) a senior police officer,
 - (c) a constable authorised by a senior police officer to make the application,
 - (d) a senior customs officer,
 - (e) a customs officer authorised by a senior customs officer to make the application.

Commencement Information

I2 S. 33 in force at 1.11.2006 by S.I. 2006/2811, art. 2

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34 Offences

- (1) A financial institution is guilty of an offence if without reasonable excuse it fails to comply with a requirement imposed on it under a customer information order.
- (2) A financial institution guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) A financial institution is guilty of an offence if, in purported compliance with a customer information order, it—
 - (a) makes a statement which it knows to be false or misleading in a material particular, or
 - (b) recklessly makes a statement which is false or misleading in a material particular.
- (4) A financial institution guilty of an offence under subsection (3) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.

Commencement Information

I3 S. 34 in force at 1.11.2006 by S.I. 2006/2811, art. 2

35 Account information

- (1) This section applies where the Secretary of State receives a request from an authority mentioned in subsection (2) for account information to be obtained in relation to an investigation in a participating country into criminal conduct.
- (2) The authority referred to in subsection (1) is the authority in that country which appears to the Secretary of State to have the function of making requests of the kind to which this section applies.
- (3) The Secretary of State may—
 - (a) direct a senior police officer to apply, or arrange for a constable to apply, for an account monitoring order,
 - (b) direct a senior customs officer to apply, or arrange for a customs officer to apply, for such an order.
- (4) An account monitoring order is an order made by a judge that a financial institution specified in the application for the order must, for the period stated in the order, provide account information of the description specified in the order to the applicant in the manner, and at or by the time or times, stated in the order.
- (5) Account information is information relating to an account or accounts held at the financial institution specified in the application by the person so specified (whether solely or jointly with another).
- (6) An account monitoring order has effect in spite of any restriction on the disclosure of information (however imposed).
- (7) Account information obtained in pursuance of an account monitoring order is to be given to the Secretary of State and sent by him to the authority which made the request.

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Commencement Information

I4 S. 35 in force at 1.11.2006 by S.I. 2006/2811, art. 2

36 Making, varying or discharging account monitoring orders

- (1) A judge may make an account monitoring order, on an application made to him in pursuance of a direction under section 35(3), if he is satisfied that—
 - (a) there is an investigation in the country in question into criminal conduct, and
 - (b) the order is sought for the purposes of the investigation.
- (2) The application may be made ex parte to a judge in chambers.
- (3) The application may specify information relating to—
 - (a) all accounts held by the person specified in the application for the order at the financial institution so specified,
 - (b) a particular description, or particular descriptions, of accounts so held, or
 - (c) a particular account, or particular accounts, so held.
- (4) The court may discharge or vary an account monitoring order on an application made by—
 - (a) the person who applied for the order,
 - (b) a senior police officer,
 - (c) a constable authorised by a senior police officer to make the application,
 - (d) a senior customs officer,
 - (e) a customs officer authorised by a senior customs officer to make the application.
- (5) Account monitoring orders have effect as if they were orders of the court.

Commencement Information

I5 S. 36 in force at 1.11.2006 by S.I. 2006/2811, art. 2

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